## COMMONWEALTH OF MASSACHUSETTS State Building Code (780 CMR) Appeals Board Board's Ruling on Appeal<sup>1</sup>

Docket No. 08-599

Appellant(s): Peter Farber

vz. Appellee(s):

City/Town of Brewster

Victor Staley

## Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR regarding a building official's failure to act, for 791 South Orleans Road (Unit 39) Brewster, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on July 03, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. Present also was Mark Nickerson and Victor Staley

## **Discussion**

A motion was made to grant the Appellant's request for a variance from 780 CMR on the building official's failure to act, and that a certificate of occupancy be issued on the horse stable portion of the property contingent upon the fact that a set of stamped plans and a letter from a MA registered engineers be submitted to the Brewster Building Department. The letter shall state that the plans comply with MSBC and that the stable area meets the requirements for issuance of a certificate of occupancy. The board vote on this motion was unanimous.

## Conclusion

The Appellant's request for a variance from 780 CMR failure to act, is hereby granted and so ordered<sup>2</sup> on this date: July 03, 2008.

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<sup>&</sup>lt;sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals

Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.